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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/766,834
Filing Date: January 30, 2004
Appellant(s): BERGEOT ET AL.

Patrick BERGEOT, et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/25/2008 appealing from the Office action mailed 03/19/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|--------------|----------------|--------|
| 6,233,610 | Hayball et al. | 5-2001 |
| 2002/0029298 | Wilson | 3-2002 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayball et al. (Hayball) US Patent # 6,233,610 in view of Wilson US 2002/0029298.
2. Regarding claim 1, Hayball discloses a management device or arrangement (D) for a communication network (N) which includes a multiplicity of equipment elements (NE-ij), each associated with a primary data management protocol (see abstract, col. 4, lines 29-31, 48-65; managing a network having a plurality of distributed components and systems), said device or arrangement (D) including mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system (NMS) (see col. 3, lines 54-65), characterized in that it includes protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements (see col. 3, lines 60-65), and each arranged i) to convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data, intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element, and in

that said mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment element (see col. 5, lines 60-67; elements for communication of management data).

3. Hayball disclose substantially the invention as claimed above however does not explicitly discloses wherein said convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM). However in the same field of invention Wilson includes converting primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM) (see abstract, par. 0008, 0009; mediating management system). Therefore it would have been obvious to one of the ordinary skill in the art of networking at the time of the invention to combine the teaching of Hayball and Wilson for device for the control of heterogeneous equipment in a telecommunication network. Motivation for doing so would have been to allow management of a network having a plurality of distributed components and systems (Hayball: see col. 4, lines 29-31).

4. Regarding claim 2, Hayball discloses a device or arrangement according to claim 1, characterized in that, on receipt of a request designating one of said equipment elements (NE-ij), said mediation means (MM) are arranged to generate a management information tree (MIT) which is representative of the links of said designated equipment element to other equipment elements in said network (N) (see col. 4, lines 3-16).

5. Regarding claim 3, Hayball discloses a device or arrangement according to claim 2, characterized in that said mediation means (MM) are arranged, after generating said management information tree (MIT), to configure a graphical user interface (GUI) in accordance with auxiliary data which are representative of said designated equipment element (NE-ij) (see fig. 5, col. 11, lines 52-62).
6. Regarding claim 4, Hayball discloses a device or arrangement in accordance with claim 2, characterized in that it includes said configurable graphical user interface (GUI) (see fig. 6, lines 13, lines 17-27).
7. Regarding claim 5, Hayball discloses a device or arrangement according to claim 3, characterized in that it includes description modules (MD-p), each associated with at least one of said equipment elements (NE-ij) and including said auxiliary data (see col. 17, lines 11-21).
8. Regarding claim 6, Hayball discloses a device or arrangement according to claim 5, characterized in that each data description module (MD-p) is composed of at least one descriptor (see col. 17, lines 22-30).
9. Regarding claim 7, Hayball discloses a device or arrangement in accordance with claim 6, characterized in that each descriptor is composed of at least one program code file and at least one configuration file (see fig. 10, col. 17, lines 31-40).
10. Regarding claim 8, Hayball discloses a device or arrangement according to claim 7, characterized in that one of said program code files of a descriptor includes first data designating a type to which an equipment element (NE-ij) belongs (see col. 17, lines 11-21), and another of said program code files of said descriptor includes second data

designating a management information base definition associated with said equipment element (NE-ij) (see col. 13, lines 52-63).

11. Regarding claim 9, Hayball discloses a device or arrangement according to claim 3, characterized in that said graphical user interface (GUI) and said mediation means (MM) are coupled via a bus (B) of the CORBA type (see fig. 50, col. 29, lines 62-67).

12. Regarding claim 10, Hayball discloses a device or arrangement according to claim 2, characterized in that it includes said functional interface module (MIF) (see col. 29, lines 48-54).

13. Regarding claim 11, Hayball discloses a device or arrangement according to claim 10, characterized in that said functional interface module (MIF) includes a provisioning module (PRO), arranged to as to extract on command management information concerning said an equipment element (NE-ij) (see col. 16, lines 54-60) and containing said management information tree (MIT), so as to send these to said equipment (see col. 4, lines 3-16).

14. Regarding claim 12, Hayball discloses a device or arrangement according to claim 11, characterized in that said provisioning means (PRO) include program code files encapsulated in the north-plug type modules (NP) (see col. 13, lines 52-63).

15. Regarding claim 13, Hayball discloses a device or arrangement according to claim 11, characterized in that said provisioning means (PRO) are arranged to generate a communication channel (CC) dedicated to the transportation of chosen codes between at least one connection socket and said mediation means (MM) (see col. 17, lines 11-21).

16. Regarding claim 14, Hayball discloses a device or arrangement according to claim 11, characterized in that said functional interface means (MIF) include a supervision module (SUP) suitable for allowing said network management system (NMS) to administer said equipment elements (NE-ij) (see col. 17, lines 41-52), and to handle the alarms and events coming from said equipment elements (NE-ij) via said mediation means (MM) (see col. 31, lines 4-14).

17. Regarding claim 15, Hayball discloses a device or arrangement according to claim 14, characterized in that said supervision module (SUP) is arranged in the form of a public interface of the IDL type (see. col. 13, lines 53-60).

18. Regarding claim 16, Hayball discloses a device or arrangement according to claim 1, characterized in that it includes said system interface means (MIS) (see col. 31, lines 20-26).

19. Regarding claim 17, Hayball discloses a device or arrangement according to claim 16, characterized in that said system interface means (MIS) includes a navigation module (NAV) arranged to allow said network management system (NMS) to control said graphical user interface (GUI) and said mediation means (MM) (see fig. 5, col. 11, lines 52-62).

20. Regarding claim 18, Hayball discloses a device or arrangement according to claim 16, characterized in that said system interface means (MIS) include a persistency module (PER) which is arranged so as to allow the storage in memory of certain information data contained in said management information tree (MIT) and relating to

the equipment elements (NE-ij) associated with a chosen level of priority (see col. 4, lines 3-16).

21. Regarding claim 19, Hayball discloses a device or arrangement according to claim 18, characterized in that said persistency module (PER) includes an application programming interface (PAA) (see col. 31, lines 35-40).

22. Regarding claim 20, Hayball discloses a device or arrangement according to claim 19, characterized in that said application programming interface (PAA) is of the JDBC type (see col. 31, lines 35-40).

23. Regarding claim 21, Hayball discloses a device or arrangement according to claim 1, characterized in that at least one of said mediation means, the graphical user interface Module (GUI), the functional interface means (MIF) (MM) and the system interface means (MIS) is composed of program code files (see col. 13, lines 52-63).

24. Regarding claim 22, the limitations of this claim has already been addressed (see claim 1 above).

25. Regarding claim 23, the limitations of this claim has already been addressed (see claim 1 above).

26. Regarding claim 24, Hayball discloses use of the management device or arrangement (D), the management server (MS), and the network equipment (NE-ij) according to claim 1, in the network technologies which are to be managed (see col. 16, lines 44-53).

27. Regarding claim 25, Hayball discloses use according to claim 24, characterized in that said network technologies are chosen from a group which includes transmission

networks, of the WDM, SONET and SDH types in particular, of data of the Internet-IP and ATM type in particular, and speech of the conventional, mobile and NGN type in particular (see col. 13, lines 38-45, col. 30, lines 41-54).

(10) Response to Argument

Appellant argues Independent claims 1

28. On pages 9-14 of Appellant's Appeal Brief, Appellant argues that Hayball in view of Wilson does not teach or suggest:

A. "a multiplicity of equipment elements is each associated with a primary data management protocol".

B. "mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system".

C. "protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements".

D. "convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element" and feature "mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment elements".

29. In response to the Appellant's arguments, the Examiner would like to clarify that Hayball in view of Wilson does teach or suggest such limitations:

A. "a multiplicity of equipment elements is each associated with a primary data management protocol (see Hayball: abstract, col. 4, lines 29-31, 48-65, col. 2, lines 7-39; managing a network having a plurality of distributed components and systems and plurality of application level elements each of which correspond to a function capability of a composite or system, a system being a highest level of composite)".

B. "mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system (see Hayball: abstract, col. 3, lines 54-65; Wilson abstract, par. 0008; mediation management system that sends management operations addressing managed objects on a management interface)".

C. "protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements (see Hayball: col. 3, lines 54-65, col. 2, lines 7-39; network management system)".

D. "convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element" and feature "mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined

equipment elements (see Hayball: col. 5, lines 60-67; elements for communication of management data; Wilson: see abstract, par. [0008-0009]; mediation management system that sends management operations addressing managed objects on a management interface)".

30. Hence, Hayball in view of Wilson does teach or suggest all of the limitations of independent claim 1 and its dependent claims and therefore 35 U.S.C 103(a) rejection with regards to claims 1-25 is proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Umar Cheema/

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

Conferees:

/William C. Vaughn, Jr./

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